

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS PRINS,

Defendant.

Case No. 3:24-cv-05612-TMC

TEMPORARY RESTRAINING ORDER TO  
PROVIDE INVOLUNTARY MEDICAL  
TREATMENT

The United States Department of Homeland Security, Immigration and Customs Enforcement (hereinafter “ICE”), by and through the United States Attorney for the Western District of Washington, has filed an ex parte emergency motion for a temporary restraining order permitting the government to immediately perform involuntary medical monitoring, testing, and physical examinations for Thomas Prins, who is currently being held as a civil detainee at the Northwest ICE Processing Center in Tacoma, Washington.

Mr. Prins is a citizen and national of Canada who has been detained at the Northwest ICE Processing Center since November 19, 2023. Dkt. 1-3 ¶ 4. On June 25, 2024, Mr. Prins was temporarily transferred to a different facility in Arizona and returned to the processing center on July 16. *Id.* ¶ 8. On July 17, Mr. Prins had missed his ninth consecutive meal and was officially

1 listed as being on hunger strike. *Id.* ¶ 10. This is not his first hunger strike. *See In re Prins*, No.  
2 3:24-MC-05006-TMC, 2024 WL 2749151, at \*1–4 (W.D. Wash. May 29, 2024). He has not  
3 consumed any food since he initiated the hunger strike and has sporadically consumed water. Dkt.  
4 1-4 ¶ 7. According to a declaration filed by Dr. Eddie Wang, the medical clinic director at the  
5 Northwest ICE Processing Center and board certified physician, Mr. Prins began his hunger strike  
6 while in Arizona because he wished to remain there. *Id.* ¶ 1, 9. He has since refused to allow  
7 processing center medical staff to conduct any medical assessments or provide medical care. *Id.* ¶  
8 7.

9 A plaintiff seeking a temporary restraining order must show: (1) they are likely to succeed  
10 on the merits, (2) the potential for irreparable harm in the absence of preliminary relief, (3) the  
11 balance of equities is in favor of injunction, and (4) the relief sought is in the public interest. *Winter*  
12 *v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). To obtain a temporary restraining order ex  
13 parte, the moving party must show specific facts in an affidavit that “clearly show that immediate  
14 and irreparable injury, loss, or damage will result to the movant before the adverse party can be  
15 heard in opposition.” Fed. R. Civ. P. 65(b). This Court’s local civil rules also require the moving  
16 party to “serve all motion papers on the opposing party, by electronic means if available, before or  
17 contemporaneously with the filing of the motion and include a certificate of service with the  
18 motion.” W.D. Wash. Local Civ. R. 65(b)(1).

19 Here, the United States has filed affidavits from Dr. Wang and from Michael Winkle,  
20 Acting Assistant Field Office Director of the ICE office of Enforcement and Removal Operations  
21 (ERO), explaining the immediate and irreparable harm both to Mr. Prins’s health and safety and  
22 the operations of ICE at the processing center if they are not able to evaluate Mr. Prins’s condition.  
23 Dkt. 1-3, 1-4. Mr. Winkle’s declaration also states that ERO informed Mr. Prins of its intent to  
24 seek a court order, Dkt. 1-3 ¶ 11, and the United States’ motion was accompanied by a certificate

1 of service showing the motion will be hand-delivered to Mr. Prins. Dkt. 2 at 14.

2 In determining the United States' likelihood of success on the merits, the Court recognizes  
3 that federal courts are split on the applicable standard to evaluate the constitutionality of  
4 administering involuntary medical care, hydration, and nutrition to civil immigration detainees.  
5 *See In re Bahadur*, 441 F.Supp.3d 467, 475 (W.D. Tex. 2020) (discussing possible standards under  
6 *Turner v. Safley*, 482 U.S. 78 (1987), *Youngberg v. Romeo*, 457 U.S. 307 (1982), and *Bell v.*  
7 *Wolfish*, 441 U.S. 520 (1979)).

8 Under any of the standards articulated in *Turner*, *Youngberg*, and *Bell*, however, the Court  
9 finds that the United States' limited request in this motion—to conduct medical testing and  
10 examination to assess Mr. Prins's health status and detect dangerous changes to his condition—is  
11 likely to succeed on the merits when balancing the United States' interests in preserving the health  
12 and life of detainees in its custody against Mr. Prins's interest in refusing medical care and  
13 avoiding conditions of confinement that amount to unconstitutional punishment. Based on the  
14 declarations of Dr. Wang and Mr. Winkle, the Court finds that without the requested medical  
15 testing, immediate and irreparable injury will occur to the United States' interest in maintaining  
16 Mr. Prins's health and life, and that the immediate threat of this injury requires this order be issued  
17 before full notice and opportunity for Mr. Prins to be heard. *See* Fed. R. Civ. P. 65(b)(1), (2). The  
18 Court further finds that the balance of equities and the public interest favor entry of this limited  
19 temporary injunction.

20 Therefore, IT IS HEREBY ORDERED that ICE may undertake necessary medical  
21 treatment and testing to save Mr. Prins's life and prevent injury, including:

- 22 1. Physical examinations, including daily weight assessments and frequent vital sign  
checks;
- 23 2. Laboratory tests, consisting of:
  - 24 a. Complete metabolic panel. This test reveals an increase in markers of kidney  
function in view of any renal injury. The panel tests include: BUN (blood urea

- nitrogen), creatinine level, and proteins. It also reveals electrolyte disturbances as potassium, phosphate, magnesium and glucose levels.
- b. Complete blood count. This test reveals the hemoglobin level.
- c. Urinalysis, which reveals the presence of ketones, blood and crystals in the urine.
- d. Thiamine levels to assess deficiency after day 14 of a hunger strike.
- e. Electrocardiogram, if the patient shows elevated potassium, which can lead to arrhythmias.
- f. Creatine phosphokinase (CPK), which is an enzyme found inside muscle cells and is released into the blood when the muscle cells rupture. The increase in CPK can lead to the breakdown of muscle tissue that can fatally damage other vital organs.
- g. Pre-albumin levels. Pre-albumin is used as a marker for nutritional status evaluation, and levels will decrease over time the longer a patient fails to consume adequate nutrition. The pre-albumin level correlates with patient morbidity and mortality risk. Normal pre-albumin is 15-35 mg/dL. When pre-albumin falls to 5-11 mg/DL, significant morbidity risks exist and aggressive nutritional support is necessary.

IT IS HEREBY FURTHER ORDERED that if Mr. Prins refuses to cooperate with the necessary medical treatment and monitoring, ICE and medical staff as the Northwest ICE Processing Center may use soft medical restraints to assure the safety of Mr. Prins and the medical staff when administering the necessary treatment.

This temporary order expires on August 14, 2024 unless it is extended by further order of this Court. *See* Fed. R. Civ. P. 65(b)(2). The Court will set a preliminary injunction hearing for August 13<sup>th</sup>, 2024 at 1:30 P.M. *See* Fed. R. Civ. P. 65(b)(3). The United States must be prepared to present evidence in support of its request for an injunction lasting for the duration of Mr. Prins's hunger strike and a representative of ICE must be present for the hearing. The United States must also file a status report, supported by affidavit, on Mr. Prins's condition and any supplemental briefing on its request for a longer injunction no later than August 12<sup>th</sup>, 2024 at 5:00 P.M. The United States must also arrange for Mr. Prins to appear by telephone or videoconference for the hearing. ICE is directed to provide a copy of this order and the notice of hearing to Mr. Prins as soon as possible.

1 Dated this 31st day of July, 2024.

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4 Tiffany M. Cartwright  
5 United States District Judge  
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